

Notice of Allowability

Application No.

10/763,434

Examiner

Ardith E. Hertzog

Applicant(s)

OSTERLOH, JAMES

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the "Amendment and Response to Office Action" filed 15 September 2005.
2. ☒ The allowed claim(s)-is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE:

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 11 August 2005.
7. ☒ Examiner's ~~Amendment~~/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


STANLEY S. SILVERMAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

EXAMINER'S COMMENT

1. It is **agreed** that the "Amendment and Response to Office Action" filed September 15, 2005 has placed this application in condition for allowance. The various objections, as set forth in paragraphs 5., 6., 8., 10. and 11., of the prior Office action with mailing date June 16, 2005 (hereinafter "the 6/16/05 action") have been **overcome/rendered moot**, while a new title has been **entered**, per the request made in paragraph 4. of the 6/16/05 action. The 35 U.S.C. § 112, second paragraph, rejection, as set forth in paragraph 13. of the 6/16/05 action, has been **overcome**. Regarding the objection to the specification, as set forth in paragraph 7. of the 6/16/05 action—i.e., lack of proper antecedent basis for various claim limitations in the **specification**—this objection has been **withdrawn**, with the entry of Figure 6 in this application. That is, MPEP § 608.01 states, in relevant part:

The meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import; and in mechanical cases, it should be identified in the descriptive portion of the specification by reference to the drawing, designating the part or parts therein to which the term applies.

Given that "ram opening **20**" and "projectile retainer opening seal **24**" find proper antecedent basis in the specification **and** are now **clearly** "identified in the descriptive portion of the specification by reference to the drawing [(in this case, Fig. 6)], designating the part or parts therein to which the term applies", **the claim 5, claim 10, part b), and claim 13, step (c), limitations noted in paragraph 7. of the 6/16/05 action are now considered to find adequate antecedent basis in the specification.**

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2. The drawings filed January 21, 2004 (Figs. 2-5 and 7-12) and September 15, 2005 (Figs. 1 and 6) are **accepted** by the examiner. In addition, note the attached PTO-948, per applicant's request.

3. The attached PTOL-413 is a record of the telephonic interview held August 11, 2005. Applicant's amendment and reply is considered fully responsive, since it includes a complete and accurate record of the substance of this interview, per MPEP § 713.04.

4. The prior art made of record is considered pertinent to applicant's disclosure. These references are considered cumulative to or less material than those previously made of record, being full English translations of the previously cited JP references (references N, O, P, Q and R on p. 1 of PTO-892 accompanying the 6/16/05 action). These translations confirm the statement made in paragraph 22. of the 6/16/05 action—i.e., that “the JP references are considered more or less similar in disclosure to Ito [(reference G on p. 2 of PTO-892 accompanying 6/16/05 action)]”.

Conclusion

5. Any inquiry concerning this communication or any earlier communications from the examiner should be directed to Ardith E. Hertzog at 571-272-1347. The examiner can normally be reached on Monday through Friday (from about 8:00 a.m. - 4:00 p.m.).

6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley S. Silverman, can be reached at 571-272-1358. The central fax number for all communications is now 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. For any

questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'AEH', is written over the typed name 'AEH'.

AEH

September 28, 2005